

## Department of Early Learning

### 10.2.1

#### Revocation of a License Procedure

##### Determination

1. Department of Early Learning (DEL) licensing staff who determine that the minimum licensing standards of a licensed family child care home or center are not being consistently met, or that the on-going health and safety of children is in jeopardy, must take licensing action – to include, in some cases, revocation.
2. Licensing staff must be able to demonstrate through clear documentation that no other alternative licensing actions, or actions that the provider has already taken, i.e., a compliance agreement, would be able to mitigate or remedy the health and safety concerns in the home or center prior to recommending a revocation.
3. If a licensing revocation action notice has been initiated, a provider can choose to voluntarily surrender their license; however the revocation action will proceed. The provider retains the right to appeal the revocation action in an adjudicative proceeding under chapter 34.05 RCW and WAC 170.03.
4. Once the determination has been made by the licensing staff that a revocation is appropriate, s/he must consult with his/her supervisor. If the supervisor approves, the DEL licensor must begin a revocation file. The revocation file must include the following sections:
  - a. FamLink Provider Notes (PN)
  - b. Complaint History, including compliance agreements
  - c. Legal
  - d. Revocation Recommendation
5. Licensing staff must recommend a licensing revocation by completing a revocation/denial recommendation form. The revocation recommendation must include:
  - a. Rationale for the proposed revocation
  - b. History of past complaints and compliance agreements
  - c. Overall licensing history
  - d. Required approval signatures
6. The revocation recommendation will be presented to the licensing staff's immediate supervisor for review. The DEL supervisor will review the recommendation and file for completeness and rationale.

##### Approval

7. Based on the supervisor's assessment of the revocation recommendation, the licensor will either take alternative licensing action or the supervisor will forward the revocation recommendation and revocation file, to the appropriate Service Area Manager (SAM), or designee.

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Created: 2/08

Effective: 2/09-2/11

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8. The SAM, or designee, will review the revocation recommendation, along with the supporting documentation. If the SAM or designee does **not** support the revocation, s/he will return all documentation to the supervisor with notes on possible alternative licensing action to be taken. If the SAM, or designee, supports the revocation, s/he will request that a legal letter be prepared by the licensor.
9. The licensor must prepare a legal letter for the supervisor's review. The legal letter must:
  - a. Provide an effective date of the revocation. Revocations can be effective immediately, however, generally revocations become effective twenty-eight (28) days, or less, after issuance to allow parents time to find alternative child care options.
  - b. Provide reasons for the revocation including citation of specific RCWs and WACs.
  - c. Provide findings from other agencies if such findings provide a basis for the revocation, e.g., DLR/CPS.
  - d. Provide information on due process rights.
10. The SAM, or designee, will review the legal letter and determine if it should be reviewed by an Assistant Attorney General (AAG) to obtain legal advice. An automatic review of legal letters by the AAG is **not** required for all licensing actions.
11. The SAM, or designee, will forward all documentation related to the revocation to the Assistant Director (AD) of the Quality Division Licensing of the State Office. The AD will review materials for completeness prior to forwarding them to the Director, or designee, for final review.
12. The DEL Director, or designee, will approve, disapprove, or provide additional feedback to the SAM regarding the proposed revocation.

### Documentation

13. Licensing staff must prepare a revocation file (see above) that will be kept at the State Office. The revocation file must include a revocation recommendation outlining the argument for a revocation.
14. Licensing staff must prepare and update, as appropriate, documentation within FamLink detailing events and rationale which led to the revocation.
15. Licensing staff must prepare and forward all relevant provider notes, legal letters, and licensed critical incident reports (LCIR) to the AD of the Quality Division of the State Office for purposes of data analysis **after** the revocation has been issued.

### Issuance and follow up

16. A revocation must be delivered to the provider in person (by the licensor) or personally served by an authorized process server.
17. A child care license is not legally revoked until the provider has the legal revocation letter in hand specifying the provider's due process rights.

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18. According to RCW 43.215.305, revocations may be effective immediately, but must become effective no later than twenty-eight (28) days after issuance unless otherwise stated on the revocation notice.
19. The SAM, or designee, will advise licensing staff of when a revocation should become effective. If DEL gives a provider twenty-eight (28) or more day's notice of a revocation, and the provider files an appeal before the effective date, DEL is not allowed to implement the revocation until after the appeal process has been exhausted. In other words, the facility may remain open until the appeal process has been exhausted.
20. The licensor discusses the provider's obligation to submit to DEL licensing staff current addresses and telephone numbers of parents / guardians of the children in care.
21. Licensing staff must make a reasonable attempt to inform parents of the licensing action by phone, or by meeting them during the facility's opening and closing times. Licensing staff may direct parents to the Child Care Resource and Referral (CCR&R) to find alternate care.
22. Licensors must notify the following entities of a revocation, within 3 business days:
  - a. Community service offices in the area
  - b. Child Care Resource and Referral (CCR&R)
  - c. Superintendent of Public Instruction – food program

### Definitions

Jeopardy may be a direct impact on the health, safety or well-being of one or more of the children cared for by the facility.

Imminent danger may include environmental or facility problems or incidents that are considered abuse or neglect if the condition remains and no steps are taken to correct the situation.